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TYCO 17674 (AT 20958-2034)
PATENT

OCT 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Powell et al.

Serial No.: 09/963,720

Filed: September 26, 2001

For: ULTRASONIC WELDED
CONNECTOR STICK

Art Unit: 2833

Examiner: Leon, Edwin A.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number 571-273-8300, on October 28, 2005.


Robert J. Kapalka

**NOTICE OF APPEAL UNDER 37 CFR 1.191
FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS**

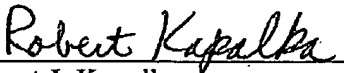
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 29, 2005, finally rejecting claims 15, 18-24, 26, 30-34, 36-39, 41 and 42.

Please charge the required fee of \$500.00 for this Notice of Appeal, and any other fees that may be due in conjunction with this application, to Deposit Account No. 23-1950.

Respectfully submitted,

James A. Powell et al.
Applicants


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PTO/SB/33 (07-05)

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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 17674 | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------|
| I hereby certify that this correspondence is being <u>facsimile transmitted to</u> <u>fax number 571-273-8300</u> on <u>October 28, 2005</u> Signature <u>Robert Kapalka</u> Typed or printed name <u>ROBERT KAPALKA</u> | | Application Number <u>09/963,720</u> | Filed <u>09/26/2001</u> |
| | | First Named Inventor <u>James A. Powell</u> | |
| | | Art Unit <u>2833</u> | Examiner <u>Leon, Edwin A.</u> |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. | | | |
| This request is being filed with a notice of appeal. | | | |
| The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. <u>Two (2) pages attached.</u> | | | |
| I am the | | <u>Robert Kapalka</u> Signature | |
| <input type="checkbox"/> | applicant/inventor. | <u>ROBERT KAPALKA</u> Typed or printed name | |
| <input type="checkbox"/> | assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86) | | |
| <input checked="" type="checkbox"/> | attorney or agent of record. Registration number <u>34198</u> | <u>302-633-2771</u> Telephone number | |
| <input type="checkbox"/> | attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ | <u>October 28, 2005</u> Date | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. | | | |
| <input type="checkbox"/> *Total of <u>1</u> forms are submitted. | | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Attachment to Pre-Appeal Brief Request for Review

Claims 15, 18-24, 26, 30-34, 36-39, 41 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Czaja (US 4,717,360) in view of Applicant's admitted prior art.

The claims relate to a connector stick device comprising a plurality of electrical connectors, and to a method for splicing cable to a plurality of electrical connectors. All of the claims include limitations wherein adjacent connectors are joined to each other by respective ultrasonic welds, and wherein the joined connectors are separable from each other by breaking the ultrasonic welds.

Czaja discloses a modular connector assembly that is molded as a unitary structure. The molded unitary connector assembly has break-away walls that permit portions of the assembly to be separated from the main structure, thereby forming individual connectors. Czaja does not disclose or suggest any joining together of individual connectors.

The Examiner admits that Czaja does not disclose the use of ultrasonic weld to connect adjacent connectors to each other. In order to overcome this deficiency, the Examiner points to applicants' disclosure at page 7, lines 9-12, which states that T-welding is well known, and from this simple statement the Examiner jumps to the conclusion that it would have been obvious to one of ordinary skill in the art to modify the connector of Czaja by using ultrasonic weld to attach individual connectors to each other.

It is respectfully submitted that Applicant's admitted prior art does not in any way supply the elements of applicant's claims that are lacking in Czaja, namely, connectors joined to each other by respective ultrasonic welds, and connectors separable from each other by breaking the ultrasonic welds. The Examiner has misread applicant's disclosure and has mischaracterized its teaching. The portion of the disclosure pointed out by the Examiner (page 7, lines 9-12) describes the present invention with reference to Figs. 8 and 9. Fig. 8 shows a stick of connectors that are joined together by ultrasonic welds. Fig. 9 is an enlarged view showing a weld joint from Fig. 8. Nowhere do applicants describe Figures 8 and 9 as prior art.

Applicant's disclosure states that "weld 350 is T-welded as is well known in the art." In other words, T-shaped welds are well known in the art of welding. However, the Examiner mischaracterizes the applicant's wording by stating that it discloses that "the use of ultrasonic

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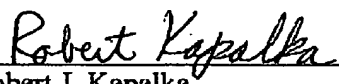
weld (T-weld) to join connectors is well known in the art.” (underlining added for emphasis - see page 5, lines 3-4 of the Office Action dated 7/29/2005). There are two inaccuracies in the Examiner’s statement. First, applicants do not disclose that ultrasonic weld is well known, only that T-weld is well known. T-weld refers to any weld having a T-shape, and T-shaped welds are often used to join objects that have abutting flat surfaces. However, T-weld is not synonymous with ultrasonic weld. Second, applicants do not disclose that T-welding to join connectors is well known. Again, applicants only disclose that T-shaped weld is well known. T-shaped welds are well known in the welding industry, but that industry deals primarily with joining metal objects, not plastic connector housings. Applicants disclosure does not in any way disclose or suggest that it was well known to join connectors with T-weld.

The portion of applicant’s disclosure pointed out by the Examiner admits only that T-shaped welds are well known in the welding art. There is nothing in applicants’ disclosure which supports the Examiner’s conclusion that it would have been obvious to join connectors with ultrasonic weld.

Further, it would not have been obvious to modify Czaja by using ultrasonic weld, because there would be no need to do so. Czaja is not interested in joining connectors together. Instead, Czaja discloses a connector assembly that is molded as a unitary structure. To substitute ultrasonic welds for a unitary molded assembly would add nothing other than time and expense to the manufacturing process. Therefore, there would be no reason to modify the connector assembly of Czaja by using ultrasonic weld, and no prior art reference provides any suggestion or motivation to do so.

For these reasons, the rejection of claims 15, 18-24, 26, 30-34, 36-39, 41 and 42 should be reversed, and allowance of the claims should be indicated.

Respectfully Submitted,


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